

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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USCA Docket Number:

USDC Docket Number : 04-cv-12033

Charles Rampino

v.

Bernard Brady

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**CLERK'S CERTIFICATE**

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 9/12/05.


In testimony whereof, I hereunto set my hand and affix the seal of this Court on October 20, 2005.

Sarah A Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 10/21/05.



Deputy Clerk, US Court of Appeals

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Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL, HABEAS

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-12033-PBS**

Rampino v. Brady  
Assigned to: Judge Patti B. Saris  
Referred to: Magistrate Judge Judith G. Dein  
Cause: 28:2241 Petition for Writ of Habeas Corpus (federal)

Date Filed: 09/21/2004  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus  
(General)  
Jurisdiction: Federal Question

**Petitioner****Charles Rampino**

represented by **Charles Rampino**  
MCI-Norfolk  
Box 43  
Norfolk, MA 02056  
PRO SE

V.

**Respondent**

**Bernard Brady**  
*Superintendent, Old Colony  
Correctional Facility*

represented by **David M. Lieber**  
Assistant Attorney General  
One Ashburton Place  
Boston, MA 02108  
617-727-2200  
Fax: 617-727-5755  
Email: david.lieber@ago.state.ma.us  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/21/2004	<u>1</u>	PETITION for Writ of Habeas Corpus \$ 5, receipt number 58837, filed by Charles Rampino. (Attachments: # <u>1</u> Civil Cover Sheet)(Patch, Christine) (Entered: 09/28/2004)
09/21/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein. (Patch, Christine) (Entered: 09/28/2004)
09/21/2004	<u>2</u>	MEMORANDUM in Support by Charles Rampino to <u>1</u> Petition for Writ of Habeas Corpus. (Attachments: # <u>1</u> Part 2 of 2)(Patch, Christine) (Entered: 09/28/2004)
09/21/2004	<u>3</u>	Constitutional and Statutory Provisions by Charles Rampino re <u>1</u> Petition for Writ of Habeas Corpus (Attachments: # <u>1</u> Part 2 of 2)(Patch, Christine) (Entered: 09/28/2004)

09/21/2004	24	Ex Parte Petition by Charles Rampino.(Patch, Christine) (Entered: 09/28/2004)
10/08/2004	25	Ex Parte MOTION by Charles Rampino.(Patch, Christine) (Entered: 10/13/2004)
10/08/2004	26	MEMORANDUM in Support re [5] Ex Parte MOTION filed by Charles Rampino. (Patch, Christine) (Entered: 10/13/2004)
10/12/2004	27	Judge Patti B. Saris : ORDER entered SERVICE ORDER re 2241 Petition. Order entered pursuant to R.4 of the Rules governing Section 2241 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rept of this order.(Morse, Barbara) (Entered: 10/14/2004)
10/14/2004	10	Letter to Christine Patch from Charles Rampino regarding the status of the case. (Patch, Christine) (Entered: 10/19/2004)
10/14/2004		Return receipt received for mail sent to Mr. Bernard Brady Delivered on 10/5/04 (Patch, Christine) (Entered: 10/21/2004)
10/18/2004		Judge Patti B. Saris : Electronic ORDER entered denying [5] Ex Parte Application. "The clerk shall send the motion and memo to the respondent. There shall be no more ex parte filings." (Patch, Christine) (Entered: 10/20/2004)
10/19/2004	28	NOTICE of Appearance by David M. Lieber on behalf of Bernard Brady (Lieber, David) (Entered: 10/19/2004)
10/19/2004	29	MOTION for Extension of Time to December 7, 2004 to File Answer re 1 Petition for Writ of Habeas Corpus by Bernard Brady.(Lieber, David) (Entered: 10/19/2004)
10/19/2004		DOCKET SHEET sent to Charles Rampino. (Patch, Christine) (Entered: 10/19/2004)
10/19/2004		Return receipt received for mail sent to Cathryn Neaves. Delivered on 10/15/04 (Patch, Christine) (Entered: 10/26/2004)
11/03/2004	11	Treatise on Protected Liberty Interest under the Due Process Clause by Charles Rampino (Attachments: # 1 Part 2 of 2)(Patch, Christine) (Entered: 11/10/2004)
12/03/2004	12	Second MOTION for Extension of Time to December 17, 2004 to File Answer re 1 Petition for Writ of Habeas Corpus by Bernard Brady. (Lieber, David) (Entered: 12/03/2004)
12/06/2004		Judge Patti B. Saris : Electronic ORDER entered granting 12 Motion for Extension of Time to Answer re 1 Petition for Writ of Habeas Corpus by Bernard Brady. (Patch, Christine) (Entered: 12/09/2004)
12/20/2004	13	MOTION for Extension of Time to December 20, 2004 to File Answer and to File Motion to Dismiss Instantly by Bernard Brady.(Lieber, David) (Entered: 12/20/2004)
12/20/2004	14	MOTION to Dismiss by Bernard Brady.(Lieber, David) (Entered: 12/20/2004)

		12/20/2004)
12/20/2004	<u>15</u>	MEMORANDUM in Support re <u>14</u> MOTION to Dismiss filed by Bernard Brady. (Lieber, David) (Entered: 12/20/2004)
12/20/2004	<u>17</u>	MOTION for Leave to Proceed in forma pauperis by Charles Rampino. (Patch, Christine) (Entered: 12/29/2004)
12/20/2004	<u>18</u>	MOTION Opposing any Further Enlargments of Time to File an Answer by Charles Rampino.(Patch, Christine) (Entered: 12/29/2004)
12/20/2004	<u>19</u>	NOTICE of intent to file a Reply Response to the Respondent's Answer and any Dispositive Motions that the Respondent will be filing by Charles Rampino (Patch, Christine) (Entered: 12/29/2004)
12/21/2004		Judge Patti B. Saris : Electronic ORDER entered granting <u>13</u> Motion for Extension of Time to Answer re <u>1</u> Petition for Writ of Habeas Corpus Bernard Brady. (Patch, Christine) (Entered: 12/21/2004)
12/22/2004	<u>16</u>	Supplemental APPENDIX by Bernard Brady. (Patch, Christine) (Entered: 12/28/2004)
12/27/2004	<u>20</u>	NOTICE by Charles Rampino of Intent to File an Opposition to <u>14</u> MOTION to Dismiss (Patch, Christine) (Entered: 12/30/2004)
12/27/2004	<u>21</u>	MOTION to Compel Response (Answer) by Charles Rampino.(Patch, Christine) (Entered: 12/30/2004)
12/27/2004	<u>22</u>	MOTION to Compel Production Supplemental Appendix by Charles Rampino.(Patch, Christine) (Entered: 12/30/2004)
12/30/2004	<u>23</u>	MOTION to Partially Withdraw <u>22</u> MOTION to Compel Production of Supplemental Appendix by Charles Rampino.(Patch, Christine) (Entered: 01/06/2005)
01/03/2005		Judge Patti B. Saris : ElectronicORDER entered denying <u>18</u> Motion Opposing any Further Enlargements of Time to File an Answer (Patch, Christine) (Entered: 01/10/2005)
01/27/2005	<u>24</u>	MOTION for Extension of Time to File Opposition as to <u>14</u> MOTION to Dismiss by Charles Rampino.(Patch, Christine) (Entered: 02/03/2005)
02/03/2005	<u>25</u>	Supplemental APPENDIX. Please note: this Appendix Replaces <u>16</u> Appendix by Bernard Brady. (Patch, Christine) (Entered: 02/08/2005)
02/03/2005		Judge Patti B. Saris : Electronic ORDER entered granting <u>24</u> Motion for Extension of Time to File Response re <u>14</u> MOTION to Dismiss (Patch, Christine) (Entered: 02/09/2005)
02/08/2005	<u>26</u>	MOTION to Hear and Decide Prior Filed Motions by Charles Rampino. (Patch, Christine) (Entered: 02/14/2005)
02/17/2005		Judge Patti B. Saris : Electronic ORDER entered re <u>26</u> Motion to Hear and Decide Prior Filed Motions. "I rule on motions 20, 21, 22, 23, 24, and 26 as follows: Petitioner shall respond to the motion to dismiss by

		March 17, 2005. As Respondent has filed a Supplemental Appendix, the remaining motions are moot." (Patch, Christine) (Entered: 02/22/2005)
02/25/2005	27	MOTION for Reconsideration re Order on <u>21</u> MOTION to Compel by Charles Rampino.(Patch, Christine) (Entered: 03/03/2005)
03/09/2005		Judge Patti B. Saris : Electronic ORDER entered denying <u>27</u> Motion for Reconsideration re <u>21</u> MOTION to Compel filed by Charles Rampino. (Patch, Christine) (Entered: 03/14/2005)
03/18/2005	28	Opposition re <u>14</u> MOTION to Dismiss filed by Charles Rampino. (Patch, Christine) (Entered: 03/25/2005)
03/18/2005	29	MEMORANDUM in Opposition re <u>14</u> MOTION to Dismiss filed by Charles Rampino. (Patch, Christine) (Entered: 03/25/2005)
03/28/2005	30	Judge Patti B. Saris: ORDER entered REFERRING <u>14</u> MOTION to Dismiss filed by Bernard Brady, for Report and Recommendation, and <u>17</u> MOTION for Leave to Proceed in forma pauperis filed by Charles Rampino, to Magistrate Judge Judith G. Dein(Alba, Robert) (Entered: 03/28/2005)
06/08/2005		Motions terminated from Court's Statistical Report: <u>9</u> MOTION for Extension of Time to December 7, 2004 to File Answer re <u>1</u> Petition for Writ of Habeas Corpus filed by Bernard Brady,, [4] MOTION for Hearing MOTION for Order filed by Charles Rampino. (issues addressed by prior Court action.) (Alba, Robert) (Entered: 06/08/2005)
07/13/2005	31	Judge Judith G. Dein : ORDER entered denying as moot <u>17</u> Petitioner's Motion for Leave to Proceed in Forma Pauperis. (Dambrosio, Jolyne) (Entered: 07/13/2005)
08/03/2005		Motions terminated from Court's statistical report: [4] MOTION for Order filed by Charles Rampino. (Alba, Robert) (Entered: 08/03/2005)
08/22/2005	32	Judge Judith G. Dein : ORDER entered. REPORT AND RECOMMENDATIONS re <u>14</u> MOTION to Dismiss filed by Bernard Brady. Recommendation: that the Motion be allowed. Objections to R&R due by 9/6/2005.(Dambrosio, Jolyne) (Entered: 08/22/2005)
08/23/2005	34	Letter to clerk from Charles Rampino re: status on Motion to Dismiss. (Filo, Jennifer) (Entered: 08/30/2005)
08/30/2005	33	OBJECTION to <u>32</u> Report and Recommendations filed by Charles Rampino. (Filo, Jennifer) (Entered: 08/30/2005)
09/01/2005		DOCKET SHEET sent to Charles Rampino. (Patch, Christine) (Entered: 09/01/2005)
09/06/2005		Judge Patti B. Saris : Electronic ORDER entered. ORDER ADOPTING REPORT AND RECOMMENDATIONS for <u>14</u> Motion to Dismiss filed by Bernard Brady. Action on motion: Granting. "After a review of the objection, the Court adopts the report and recommendation and dismisses the petition." (Patch, Christine) (Entered: 09/12/2005)

10/12/2005	35	NOTICE OF APPEAL as to Order Adopting Report and Recommendations, by Charles Rampino. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 11/1/2005. (Patch, Christine) (Entered: 10/17/2005)
10/12/2005	36	MOTION to Appoint Counsel by Charles Rampino.(Patch, Christine) (Entered: 10/17/2005)